IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 648 OF 2006

Suresh B. Bagrodia..... .. Applicant.

Versus

The State of Maharashtra. .... Respondent.

Mr.Ghanshyam Upadhya for the Applicant.

Mr. S. S. Tatkare, APP for the State.

CORAM : V. M. KANADE, J.

DATED : 15TH FEBRUARY, 2006.

P.C.:

Heard learned Counsel for the Applicant and the learned APP for the State.

2. By this application, the Applicant is challenging the order of non-bailable warrant issued by the Magistrate in Criminal Case Nos.427/S of 2005 and 428/S of 2005. Learned Counsel for the Applicant submits that the Applicant shall remain present before the Magistrate and the warrant issued by the trial Court may be cancelled.

3. Normally, the Applicant should apply before the Magistrate and seek cancellation of warrant. The Applicant, however, submits that he was not keeping well and therefore he could not remain present. The Supreme Court also has now held that the presence of the Accused is normally not be insisted by the Court unless his presence is required for any particular reason.

4. The order of non-bailable warrant, therefore, issued by the Magistrate is set aside. The Applicant is directed to remain present before the Metropolitan Magistrate. The Applicant shall report to the learned Magistrate within one week.

5. With this direction the application is disposed of.

Sd/-

(V. M. KANADE, J.)